

K7

Notice of Allowability

Application No.

09/753,327

Examiner

James M. Mitchell

Applicant(s)

XIE ET AL.

Art Unit

2813

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/1/2004.
2. ☒ The allowed claim(s) is/are 6-14 and 20-31.
3. ☒ The drawings filed on 07 January 2005 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

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DETAILED ACTION

This office action is in response to the amendment filed November 1, 2004.

Election/Restrictions

Newly submitted claims 39-46 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 6-14, 18-32, 36 and 37, drawn to device, classified in class 257, subclass 700.
- II. Claims 38-46, drawn method, classified in class 438, subclass 15.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process of making and product made.

The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the process as claimed can be used to make other and materially different. Because claim 38 includes the transitional claim language "comprising" is inclusive of additional process steps other than the particular recited steps, the scope of the process claims encompasses a step of having one force of a activation mechanism greater than the other.

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Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Likewise, since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 38-46 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Aslam Jafferty on January 7, 2005 in order to overcome prior art and to obviate the restriction based on applicant's election by original presentation.

The application has been amended as follows:

CLAIMS

Cancel claims 18, 19, 32 and 38-46.

In claim 6, line 3 after "carrier" insert - -at its center - - and after "receptacles" insert - - along an outer periphery- -;

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In claim 6, line 7 delete "of a corresponding" and before "IC" insert - - incorporated on an- -;

In claim 6, line 8 after "a" insert - -distinct- -;

In claim 6, line 9 after "pins" insert - - incorporated on the IC package - -.

In claim 20, line 3 after "carrier" insert - -at its center - - and after "receptacles" insert - - along an outer periphery- -;

In claim 20, line 6 after "bar" insert - - incorporated on said IC package- -;

In claim 20, line 10 delete "or" and before "corresponding" insert - -of- -;

In claim 20, line 11 after "a" insert - -distinct- -;

In claim 20, line 9 after "pins" insert - - incorporated on an IC package - -;

In claim 20, line 12 after "pins" insert - - incorporated on said IC package - - .

REASONS FOR ALLOWANCE

Claims 6-14 and 20-31 are allowed.

The following is an examiner's statement of reasons for allowance: the prior art does not disclose or make obvious a socket having a first and a distinct second activation mechanism where the first mechanism causes a bar incorporated on the IC to engage a carrier that is at a center of the socket with the second mechanism causing pins also incorporated on the IC package to engage with receptacles located on a outer periphery of the socket wherein the force of the first and second mechanisms are substantially the same including all the limitations of the independent claims.

While the prior art shows the use of pins and bars incorporated on an IC package as illustrated Ayers (U.S. 5,980,267), the prior art shows two sockets in contrast to the claimed single socket and fails to disclose or make obvious the forces of its holding members being substantially the same.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Mitchell whose telephone number is (571) 272-1931. The examiner can normally be reached on M-F 8:00-4:00.

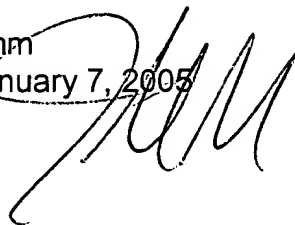
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Whitehead Jr. can be reached on (571) 272-1702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Jmm

January 7, 2005



ERIK KIELIN
PRIMARY EXAMINER